

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re :  
LEHMAN BROTHERS HOLDINGS INC., *et al.*, : Chapter 11 Case No.  
Debtors. : 08-13555 (JMP)  
: (Jointly Administered)  
: :  
-----X

AFFIDAVIT AND DISCLOSURE STATEMENT OF LECH GILICIŃSKI,  
ON BEHALF OF WHITE & CASE

WARSZAWA

POLAND

Lech Giliciński, being duly sworn, upon his oath, deposes and says:

1. I am a partner of White & Case (the "Firm"), a group of lawyers affiliated with White & Case LLP (together with the Firm and its other affiliated firms, "W&C") and practicing in Poland, located at ul. Marszałkowska 142, 00-061 Warszawa, Poland.

2. Lehman Brothers Holdings Inc. as debtor and debtor in possession in the above-referenced chapter 11 cases ("LBHI" or the "Debtor") has requested that the Firm provide legal services to LBHI with respect to various Polish legal issues, and the Firm has consented to provide such services, pursuant to section 327(e) of title 11 of the United States Code.

3. As discussed in further detail in paragraph 8 below, W&C has performed services in the past and may perform services in the future, including in matters related to these chapter 11 cases, for persons that are parties in interest in the above-referenced chapter 11 cases of LBHI and its affiliated debtors, as debtors and debtors in possession (together, the

"Debtors"). W&C does not perform services for any such person in connection with the specific matter on which the Firm is to be employed or in relation to previous representations by W&C of LBHI.

4. The Debtor, on the one hand, and W&C, on the other hand, have previously reached an agreement pursuant to which the Debtor has agreed to retain the Firm as counsel with respect to various Polish legal issues in connection with LBHI's litigation against John Kontrabecki pending in the United States Bankruptcy Court for the Northern District of California pursuant to section 327(e), notwithstanding representation by W&C of clients and prospective clients having adverse or different interests from or to the Debtor in its chapter 11 case or in other matters so long as they are unrelated to previous representations by W&C of LBHI or the specific matter on which the Firm is to be employed.

5. Neither I, nor any principal of, or professional employed by W&C has agreed to share or will share any portion of the compensation to be received from the Debtor with any other person other than the principals and regular employees of W&C.

6. Neither I, nor any principal of, or professional employed by W&C, insofar as I have been able to ascertain, holds or represents any interest adverse to the Debtor or its estate with respect to the matter on which the Firm is to be employed.

7. The Debtor owes the Firm \$184,477.04 for prepetition legal services in connection with the matter on which the Firm is to be employed.<sup>1</sup>

---

<sup>1</sup> This total is comprised of \$41,192.89 in unpaid fees, costs and disbursements billed for the period of June 2008; \$64,291.80 in unpaid fees, costs and disbursements billed for the period of July 2008; and \$78,992.35 in fees, costs and disbursements accrued and unbilled from August 1 through the Petition Date. Although the Firm was retained by the Debtor pre-petition, at LBHI's request, it submitted its bills to and was paid by Lehman Brothers International (Europe). This amount does not include amounts for unpaid fees, costs and disbursements owed by the Debtors to W&C in connection with other matters.

8. As part of its customary practice, W&C is retained in cases, proceedings, and transactions involving many different parties, including parties in interest in these chapter 11 cases. These representations include, engagements by creditors and parties in interest in connection with their relationships and/or claims against or the acquisition of assets of the Debtors (or affiliates of the Debtors, including Lehman Brothers, Inc. and non-U.S. affiliates subject to proceedings in other jurisdictions). These creditors and parties in interest consist of, among others, financial institutions and other parties in interest that are counterparties to financial contracts, bondholders and lenders with respect to one or more of the Debtors (or affiliates of the Debtors including Lehman Brothers, Inc. and non-U.S. affiliates subject to proceedings in other jurisdictions). These creditors and parties in interest include, among others, DnB NOR Bank ASA, Tiger Asia Fund, L.P., and Commerzbank AG. W&C may represent now or in the future other parties in interest in the Debtors' chapter 11 cases. Each of W&C's current representations is unrelated to the specific matter for which the Firm has been engaged.

9. W&C is conducting further inquiries regarding its retention by any creditors of the Debtors, and upon conclusion of that inquiry, or at any time during the period of the Firm's employment, if W&C should discover any facts bearing on the matters described herein, the Firm will supplement the information contained in this Affidavit.<sup>2</sup>

---

<sup>2</sup> If necessary.

Duly executed on December 9, 2008

Lech Giliciński  
Lech Giliciński

*[Translation from Polish]*

**SPECIMEN SIGNATURE**

Mr. **Lech Józef Giliciński**

*[legible signature]*

*[Polish national emblem]*

**Repertory A No. 16184/2008**

**On this twelfth day of December two thousand eight (December 12, 2008).**

I hereby certify that the following person has affixed the foregoing signature as his specimen signature before me, **Paweł Zbigniew Cupriak**, Notary in Warsaw, in my Notarial Office in Warsaw, ul. Grzybowska 2 lok. 26 B:

- Mr. **Lech Józef Giliciński**, son of Edward and Irena, residing in Józefosław (05-500), at ul. Storczyków 20, holder of the identity card No. AAE 842561, valid until April 20, 2011, PESEL 68010303678.

Collected:

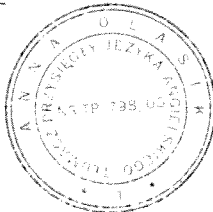
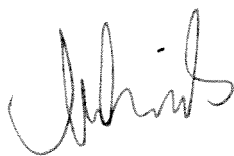
- notary's fee under § 13 of the Ordinance of the Minister of Justice dated June 28, 2004 (Dz.U. No. 148, Item 1564) in the amount of: PLN 20.00
- 22% VAT on the notary's fee under Article 41 of the Act on Tax on Goods and Services dated March 11, 2004, in the amount of: PLN 4.40

*[stamp and signature of Paweł Cupriak]*  
*[round notarial seal of office]*

*I, Anna Olasik, sworn translator, do hereby certify that the above English text is a true and correct translation of the whole of the Polish original document presented to me.*

*IN WITNESS THEREOF, I have hereunto set my hand and affixed my seal of office.*

*Warsaw, December 12, 2008, Rep. No. 400/08*



## WZÓR PODPISU

Pan Lech Józef Giliciński

*Lech Giliciński*



### Repertorium A nr 16184/2008

Dnia dwunastego grudnia roku dwa tysiące ósmego (12.12.2008r.).-----

Poświadczam, że przede mną **Pawłem Zbigniewem Cupriakiem**, notariuszem w Warszawie w mojej Kancelarii Notarialnej w Warszawie przy ul. Grzybowskiej 2 lok. 26 B podpis powyższy jako wzór podpisu położył: -----

- Pan **Lech Józef Giliciński**, syn Edwarda i Ireny, zamieszkały: ul. Storczyków 20, kod: 05-500 Józefosław, legitymujący się dowodem osobistym AAE 842561 z terminem ważności do dnia 20 kwietnia 2011 roku, PESEL 68010303678.-----

Pobrano:-----

- wynagrodzenie notariusza z § 13 rozporządzenia Ministra Sprawiedliwości z dnia 28 czerwca 2004 roku (Dz.U. Nr 148 poz. 1564) w kwocie:----- 20,00 zł

- 22 % podatku od towarów i usług od wynagrodzenia notariusza na podstawie art. 41 ustawy o podatku od towarów i usług z dnia 11 marca 2004 roku w kwocie:----- 4,40 zł

  
NOTARIUSZ  
Paweł Cupriak

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
In re :

LEHMAN BROTHERS HOLDINGS INC., *et al.*, :

Debtors. :

Chapter 11 Case No.

08-13555 (JMP)

(Jointly Administered)  
:  
:  
-----X

**RETENTION QUESTIONNAIRE**

TO BE COMPLETED BY PROFESSIONALS EMPLOYED BY LEHMAN BROTHERS  
HOLDINGS INC. OR ANY OF ITS DEBTOR AFFILIATES (collectively, the "Debtors")

DO NOT FILE THIS QUESTIONNAIRE WITH THE COURT.  
RETURN IT FOR FILING BY THE DEBTORS, TO:

Weil, Gotshal & Manges LLP  
767 Fifth Avenue  
New York, New York 10153  
Attn: Jennifer Sapp  
Christopher Stauble

All questions **must** be answered. Please use "none," "not applicable," or "N/A," as appropriate.  
If more space is needed, please complete on a separate page and attach.

1. Name and address of the Firm:

White & Case, ul. Marszałkowska 142, 00-061 Warszawa, Poland

2. Date of retention: October 14, 2004

3. Type of services provided (accounting, legal, etc.):

Legal services.

4. Brief description of services to be provided:

Advice to Lehman Brothers Holdings Inc. ("LBHI" or the "Debtor") on various  
Polish legal issues in connection with its litigation against John Kontrabecki  
pending in the United States Bankruptcy Court for the Northern District of  
California, including providing Polish legal advice to LBHI's U.S. counsel, acting

as an expert and a fact witness in U.S. proceedings and representing LBHI in related Polish legal proceedings.

5. Arrangements for compensation (hourly, contingent, etc.)

Hourly

- (a) Average hourly rate (if applicable):

The current billing rate for Lech Giliciński in relation to this matter is \$425 per hour. The average billing rate for others working on the matter is \$148 per hour.

- (b) Estimated average monthly compensation based on prepetition retention (if firm was employed prepetition):

Approximately \$35,000.00

6. Prepetition claims against the Debtor held by the Firm in relation to the matter for which retention is sought:<sup>1</sup>

Amount of claim: \$184,477.04<sup>2</sup>

Date claim arose: \$41,192.89 in unpaid fees, costs and disbursements billed for the period of June 2008; \$64,291.80 in unpaid fees, costs and disbursements billed for the period of July 2008; and \$78,992.35 in fees, costs and disbursements accrued and unbilled from August 1 to the commencement of the chapter 11 cases.

Source of Claim: Prepetition legal services

7. Prepetition claims against the Debtors held individually by any member, associate, or professional employee of the Firm:

Certain partners, associates and/or other professional employees of W&C may hold claims against the Debtors.

8. Stock of the Debtors currently held by the Firm:

W&C does not currently hold any stock of the Debtors.

9. Stock of the Debtors currently held individually by any member, associate, or professional employee of the Firm:

---

<sup>1</sup> Although the Firm was retained by the Debtor pre-petition, at LBHI's request, it submitted its bills to and was paid by Lehman Brothers International (Europe).

<sup>2</sup> This amount does not include amounts for unpaid fees, costs and disbursements owed by the Debtors to the Firm, White & Case LLP or its other affiliated firms (collectively, "W&C") with respect to other matters.



Certain partners, associates and/or other professional employees of W&C may hold shares of stock in any of the Debtors, including through mutual funds or other investment vehicles (certain of which may be managed by W&C and its outside advisors).

10. Disclose the nature and provide a brief description of any interest adverse to the Debtor or to its estate with respect to the matter on which the above-named firm is to be employed.

Insofar as I have been able to ascertain, neither the Firm nor W&C represents or holds any interest adverse to the Debtor or to its estate with respect to the matter on which the Firm is to be employed. In paragraph 8 of the Affidavit of Lech Giliciński submitted in connection with the Firm's retention as an ordinary course professional, the specific nature of certain representations by W&C and the Firm of creditors and parties in interest is disclosed. None of these representations is related to the matter for which the Firm is to be employed and none result in the Firm or W&C holding an interest adverse to the Debtor or to its estate with respect to the matter on which the Firm is to be employed.

11. Name of individual completing this form:

Lech Giliciński